

7-49. Emergency Powers (1200 TN 350 7-49)

1. **AUTHORITY.** Pursuant to Section 303 of the Clean Air Act (CAA), to make findings; to consult with state and local authorities; and to take action, including issuing emergency administrative orders.
2. **TO WHOM DELEGATED.** Director, Air and Radiation Division (ARD); and Director, Enforcement and Compliance Assurance Division (ECAD).
3. **LIMITATIONS.**
 - a. The delegatee must obtain the advance concurrence of the Regional Counsel (RC) on the legal sufficiency of the action before exercising the authority to issue orders. The RC may waive concurrence in writing.
 - b. The delegates must consult with OECA's National Significant Issues (NSI) Guidance and meet all requirements prior to exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section chief level, and no further. The authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **REFERENCES.**
 - a. For referral of emergency Temporary Restraining Orders, see the Chapter 7 delegation entitled "Emergency TROs."
6. **SUPERSESSION.** Delegations Manual, Clean Air Act, Regional Delegation 7-49. Emergency Powers, 1200 TN RIII-192 (January 18, 2017).

Date APR 15 2019
Cosmos Servidio
Regional Administrator